

Case: 4:14-cv-00094-JAR Doc. #: 236-1 Filed: 09/21/15 Page: 2 of 4 PageID #: 2997

EDUCATION & TECHNICAL ASSISTANCE PROGRAM

A Motor Carrier's Guide to Improving Highway Safety

Federal Motor Carrier Safety Administration Outreach Division 1200 New Jersey Avenue, SE, MC-ESO Washington, DC 20590 www.fmcsa.dot.gov

While every effort has been made to assure that the information provided here is complete and accurate; it is not intended to take the place of published agency regulations. The document paraphrases the Federal Motor Carrier Safety Regulations published in Title 49 of the U.S. Code of Federal Regulations. The contents may not be relied upon as a substitute for the most current official text. The regulations issued by the U.S. Department of Transportation and its Operating Administrations are published in the Federal Register and compiled in the U.S. Code of Federal Regulations (CFR).

The Agency cannot assume any responsibility for omissions, errors, misprinting, or ambiguity contained within this publication and shall not be held liable in any degree for any loss or injury caused by such omission, error, misprinting, or ambiguity presented in this publication. This publication is designed to provide reasonably accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the Publisher is not engaged in rendering legal or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

This publication is distributed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), in the interest of information exchange. The United States Government assumes no liability for its contents or use thereof. If trade or manufacturers' names or products are mentioned, it is only because they are considered essential to the object of the publication and should not be construed as an endorsement. The United States Government does not endorse products or manufacturers.

Accident Countermeasures

Section 4

Accident Countermeasures

Background

As part of the ongoing FMCSA safety management effort to reduce the number of vehicle accidents on highways, assistance by safety specialists in accident analysis and countermeasures planning is now an integral part of compliance reviews conducted by the FMCSA. Accident countermeasures are examples of defensive strategies designed to reduce preventable accidents.

Purpose

This section is designed to provide motor carriers and drivers with an introduction to the concepts of preventability analysis and accident countermeasures. The material suggests practical measures that can be taken now to prevent accidents, though its main intent goes further. The core of the presentation is a series of case histories of successful countermeasures. These are true stories of industry successes in promoting highway safety. The case histories are presented, together with a guide called Determining Preventability of Accidents, to help readers analyze accidents and create strategies to keep similar accidents from happening in the future.

The FMCSA intends to stimulate thinking and discussion about accident prevention within the motor carrier industry. The preventability guide

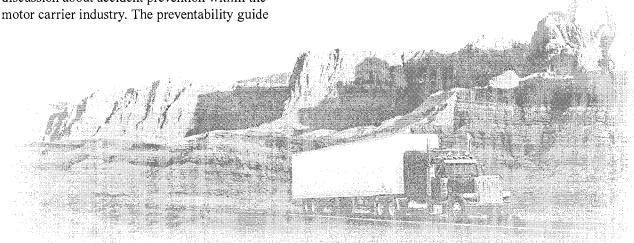
and the Accident Countermeasures cases are not rating sheets nor orders from above to be followed exactly. They are guidelines and discussion tools to help carriers and drivers look at their unique operations and practices with an eye to identifying opportunities to make safety improvements.

Determining preventability

No two accidents or carriers are exactly alike and the FMCSA recognizes that not all accidents are preventable. Some types of accidents, however, can be prevented by drivers, while others require changes in motor carrier practices and policies or equipment. The new FMCSA method for determining preventability is based on examination of the facts in accident records.

Cases and countermeasures

The countermeasures cases in this file actually occurred. They are true success stories that show how relatively modest improvements led to significant reductions in accident rates.



Contents and attachments

This section contains A Guide to Determining Preventability of Accidents and Accident Countermeasures: Success Stories. Attachments include an Accident Register form and a chart, Revenue Necessary to Pay for Accident Losses.

You are welcome to reproduce and distribute any of the materials in this booklet.

A Guide to Determining Preventability of Accidents

The heart of accident analysis is the determination of preventability, based on the facts furnished in the motor carrier's recordable accident register, and from various other sources. These sources of information must be evaluated in light of all available facts that are pertinent to the cause of the accident. Digging out these facts from the information on these reports can be difficult in practice due to the limited data contained in some reports. But the information can be obtained in many instances by a detailed analysis and reconstruction of the accident sequence.

Each accident must be judged individually. Certain types will generally fall in the non-preventable category, and certain others, in the absence of extenuating circumstances and conditions, fall in the preventable category. The types of accidents listed below do not cover every accident that may occur, but they are intended to provide general guidance to assist in determining preventability.

Non-Preventable Accidents

Struck in Rear by Other Vehicle

Non-Preventable if:

- > Driver's vehicle was legally and properly parked
- ➤ Driver was proceeding in his/her own lane of traffic at a safe and lawful speed
- ➤ Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person legitimately controlling traffic
- ➤ Driver was in proper lane waiting to make turn
- > Struck while parked

Non-preventable if:

- ➤ Driver was properly parked in a location where parking was permitted:
- ➤ Vehicle was stopped, parked, or left standing in accordance with Sections 392.21 and 392.22 of the Federal Motor Carrier Safety Regulations

Preventable Accidents

Accidents at Intersections

Preventable if:

- ➤ Driver failed to control speed so that he/she could stop within available sight distance
- ➤ Driver failed to check cross-traffic and wait for it to clear before entering intersection
- ➤ Driver pulled out from side street in the face of oncoming traffic
- ➤ Driver collided with person, vehicle, or object while making right or left turn
- ➤ Driver collided with vehicle making turn in front of him/her

Striking Other Vehicle in Rear

Preventable if:

- ➤ Driver failed to maintain safe following distance and have his/her vehicle under control
- Driver failed to keep track of traffic conditions and did not slow down
- ➤ Driver failed to ascertain whether vehicle ahead was moving slowly, stopped, or slowing down for any reason
- > Driver misjudged rate of overtaking
- ➤ Driver came too close before pulling out to pass
- ➤ Driver failed to wait for vehicle ahead to move into the clear before starting up
- ➤ Driver failed to leave sufficient room for passing vehicle to get safely back in line